



Sen. Kwame Raoul

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LRB098 05070 JWD 45851 a

1 AMENDMENT TO SENATE BILL 851

2 AMENDMENT NO. _____. Amend Senate Bill 851 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 3, 3.3, 8, 9 and adding Section
6 9.5 as follows:

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

8 Sec. 3. (a) Except as provided in Section 3a, no person may
9 knowingly transfer, or cause to be transferred, any firearm,
10 firearm ammunition, stun gun, or taser to any person within
11 this State unless the transferee with whom he deals displays a
12 currently valid Firearm Owner's Identification Card which has
13 previously been issued in his name by the Department of State
14 Police under the provisions of this Act. In addition, all
15 firearm, stun gun, and taser transfers by federally licensed
16 firearm dealers are subject to Section 3.1.

1 (a-5) Any person who is not a federally licensed firearm
2 dealer and who desires to transfer or sell a firearm while that
3 person is on the grounds of a gun show must, before selling or
4 transferring the firearm, request the Department of State
5 Police to conduct a background check on the prospective
6 recipient of the firearm in accordance with Section 3.1.

7 (a-10) Any person who is not a federally licensed firearm
8 dealer and who desires to transfer or sell a firearm or
9 firearms to any person who is not a federally licensed firearm
10 dealer shall, before selling or transferring the firearms,
11 contact the Department of State Police with the purchaser's
12 Firearm Owner's Identification Card number to determine the
13 validity of the purchaser's Firearm Owner's Identification
14 Card. This subsection shall not be effective until January 1,
15 2014. The Department of State Police may adopt rules concerning
16 the implementation of this subsection. The Department of State
17 Police shall provide the seller or transferor an approval
18 number if the purchaser's Firearm Owner's Identification Card
19 is valid. Approvals issued by the Department for the purchase
20 of a firearm pursuant to this subsection are valid for 30 days
21 from the date of issue.

22 (a-15) The provisions of subsection (a-10) of this Section
23 do not apply to:

24 (1) transfers that occur at the place of business of a
25 federally licensed firearm dealer, if the federally
26 licensed firearm dealer conducts a background check on the

1 prospective recipient of the firearm in accordance with
2 Section 3.1 of this Act and follows all other applicable
3 federal, State, and local laws as if he or she were the
4 seller or transferor of the firearm, although the dealer is
5 not required to accept the firearm into his or her
6 inventory. The purchaser or transferee may be required by
7 the federally licensed firearm dealer to pay a fee not to
8 exceed \$10 per firearm, which the dealer may retain as
9 compensation for performing the functions required under
10 this paragraph, plus the applicable fees authorized by
11 Section 3.1;

12 (2) transfers as a bona fide gift to the transferor's
13 husband, wife, son, daughter, stepson, stepdaughter,
14 father, mother, stepfather, stepmother, brother, sister,
15 nephew, niece, uncle, aunt, grandfather, grandmother,
16 grandson, granddaughter, father-in-law, mother-in-law,
17 son-in-law, or daughter-in-law;

18 (3) transfers by persons acting pursuant to operation
19 of law or a court order;

20 (4) transfers on the grounds of a gun show under
21 subsection (a-5) of this Section;

22 (5) the delivery of a firearm by its owner to a
23 gunsmith for service or repair, the return of the firearm
24 to its owner by the gunsmith, or the delivery of a firearm
25 by a gunsmith to a federally licensed firearms dealer for
26 service or repair and the return of the firearm to the

1 gunsmith;

2 (6) temporary transfers that occur while in the home of
3 the unlicensed transferee, if the unlicensed transferee is
4 not otherwise prohibited from possessing firearms and the
5 unlicensed transferee reasonably believes that possession
6 of the firearm is necessary to prevent imminent death or
7 great bodily harm to the unlicensed transferee;

8 (7) transfers to a law enforcement or corrections
9 agency or a law enforcement or corrections officer acting
10 within the course and scope of his or her official duties;

11 (8) transfers of firearms that have been rendered
12 permanently inoperable to a nonprofit historical society,
13 museum, or institutional collection; and

14 (9) transfers to a person who is exempt from the
15 requirement of possessing a Firearm Owner's Identification
16 Card under Section 2 of this Act.

17 (a-20) The Department of State Police shall develop an
18 Internet-based system for individuals to determine the
19 validity of a Firearm Owner's Identification Card prior to the
20 sale or transfer of a firearm. The Department shall have the
21 Internet-based system completed and available for use by July
22 1, 2015. The Department shall adopt rules not inconsistent with
23 this Section to implement this system.

24 (b) Any person within this State who transfers or causes to
25 be transferred any firearm, stun gun, or taser shall keep a
26 record of such transfer for a period of 10 years from the date

1 of transfer. Such record shall contain the date of the
2 transfer; the description, serial number or other information
3 identifying the firearm, stun gun, or taser if no serial number
4 is available; and, if the transfer was completed within this
5 State, the transferee's Firearm Owner's Identification Card
6 number and any approval number or documentation provided by the
7 Department of State Police pursuant to subsection (a-10) of
8 this Section. On or after January 1, 2006, the record shall
9 contain the date of application for transfer of the firearm. On
10 demand of a peace officer such transferor shall produce for
11 inspection such record of transfer. If the transfer or sale
12 took place at a gun show, the record shall include the unique
13 identification number. Failure to record the unique
14 identification number or approval number is a petty offense.

15 (b-5) Any resident may purchase ammunition from a person
16 within or outside of Illinois if shipment is by United States
17 mail or by a private express carrier authorized by federal law
18 to ship ammunition. Any resident purchasing ammunition within
19 or outside the State of Illinois must provide the seller with a
20 copy of his or her valid Firearm Owner's Identification Card
21 and either his or her Illinois driver's license or Illinois
22 State Identification Card prior to the shipment of the
23 ammunition. The ammunition may be shipped only to an address on
24 either of those 2 documents.

25 (c) The provisions of this Section regarding the transfer
26 of firearm ammunition shall not apply to those persons

1 specified in paragraph (b) of Section 2 of this Act.

2 (Source: P.A. 97-1135, eff. 12-4-12.)

3 (430 ILCS 65/3.3)

4 Sec. 3.3. Report to the local law enforcement agency. The
5 Department of State Police must report the name and address of
6 a person to the local law enforcement agency where the person
7 resides if the person attempting to purchase a firearm is
8 disqualified from purchasing a firearm because of information
9 obtained under subsection (a-10) of Section 3 or Section 3.1
10 that would disqualify the person from obtaining a Firearm
11 Owner's Identification Card under any of subsections (c)
12 through (n) of Section 8 of this Act.

13 (Source: P.A. 94-125, eff. 1-1-06.)

14 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

15 (Text of Section before amendment by P.A. 97-1167)

16 Sec. 8. Grounds for denial and revocation.

17 The Department of State Police has authority to deny an
18 application for or to revoke and seize a Firearm Owner's
19 Identification Card previously issued under this Act only if
20 the Department finds that the applicant or the person to whom
21 such card was issued is or was at the time of issuance:

22 (a) A person under 21 years of age who has been
23 convicted of a misdemeanor other than a traffic offense or
24 adjudged delinquent;

1 (b) A person under 21 years of age who does not have
2 the written consent of his parent or guardian to acquire
3 and possess firearms and firearm ammunition, or whose
4 parent or guardian has revoked such written consent, or
5 where such parent or guardian does not qualify to have a
6 Firearm Owner's Identification Card;

7 (c) A person convicted of a felony under the laws of
8 this or any other jurisdiction;

9 (d) A person addicted to narcotics;

10 (e) A person who has been a patient of a mental
11 institution within the past 5 years. An active law
12 enforcement officer employed by a unit of government who is
13 denied, revoked, or has his or her Firearm Owner's
14 Identification Card seized under this subsection (e) may
15 obtain relief as described in subsection (c-5) of Section
16 10 of this Act if the officer did not act in a manner
17 threatening to the officer, another person, or the public
18 as determined by the treating clinical psychologist or
19 physician, and the officer seeks mental health treatment ~~or~~
20 has been adjudicated as a mental defective;

21 (f) A person whose mental condition is of such a nature
22 that it poses a clear and present danger to the applicant,
23 any other person or persons or the community;

24 For the purposes of this Section, "mental condition"
25 means a state of mind manifested by violent, suicidal,
26 threatening or assaultive behavior.

1 (g) A person who is intellectually disabled;

2 (h) A person who intentionally makes a false statement
3 in the Firearm Owner's Identification Card application;

4 (i) An alien who is unlawfully present in the United
5 States under the laws of the United States;

6 (i-5) An alien who has been admitted to the United
7 States under a non-immigrant visa (as that term is defined
8 in Section 101(a)(26) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(26))), except that this subsection
10 (i-5) does not apply to any alien who has been lawfully
11 admitted to the United States under a non-immigrant visa if
12 that alien is:

13 (1) admitted to the United States for lawful hunting or
14 sporting purposes;

15 (2) an official representative of a foreign government
16 who is:

17 (A) accredited to the United States Government or
18 the Government's mission to an international
19 organization having its headquarters in the United
20 States; or

21 (B) en route to or from another country to which
22 that alien is accredited;

23 (3) an official of a foreign government or
24 distinguished foreign visitor who has been so
25 designated by the Department of State;

26 (4) a foreign law enforcement officer of a friendly

1 foreign government entering the United States on
2 official business; or

3 (5) one who has received a waiver from the Attorney
4 General of the United States pursuant to 18 U.S.C.
5 922 (y) (3);

6 (j) (Blank);

7 (k) A person who has been convicted within the past 5
8 years of battery, assault, aggravated assault, violation
9 of an order of protection, or a substantially similar
10 offense in another jurisdiction, in which a firearm was
11 used or possessed;

12 (l) A person who has been convicted of domestic
13 battery, aggravated domestic battery, or a substantially
14 similar offense in another jurisdiction committed before,
15 on or after January 1, 2012 (the effective date of Public
16 Act 97-158). If the applicant or person who has been
17 previously issued a Firearm Owner's Identification Card
18 under this Act knowingly and intelligently waives the right
19 to have an offense described in this paragraph (l) tried by
20 a jury, and by guilty plea or otherwise, results in a
21 conviction for an offense in which a domestic relationship
22 is not a required element of the offense but in which a
23 determination of the applicability of 18 U.S.C. 922 (g) (9)
24 is made under Section 112A-11.1 of the Code of Criminal
25 Procedure of 1963, an entry by the court of a judgment of
26 conviction for that offense shall be grounds for denying an

1 application for and for revoking and seizing a Firearm
2 Owner's Identification Card previously issued to the
3 person under this Act;

4 (m) (Blank);

5 (n) A person who is prohibited from acquiring or
6 possessing firearms or firearm ammunition by any Illinois
7 State statute or by federal law;

8 (o) A minor subject to a petition filed under Section
9 5-520 of the Juvenile Court Act of 1987 alleging that the
10 minor is a delinquent minor for the commission of an
11 offense that if committed by an adult would be a felony;

12 (p) An adult who had been adjudicated a delinquent
13 minor under the Juvenile Court Act of 1987 for the
14 commission of an offense that if committed by an adult
15 would be a felony; or

16 (q) A person who is not a resident of the State of
17 Illinois, except as provided in subsection (a-10) of
18 Section 4.

19 The Department of State Police may revoke and seize a
20 Firearm Owner's Identification Card previously issued under
21 this Act of a person who receives a second conviction for
22 violating Section 24-4.1 of the Criminal Code of 2012.

23 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
24 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

25 (Text of Section after amendment by P.A. 97-1167)

1 Sec. 8. Grounds for denial and revocation.

2 The Department of State Police has authority to deny an
3 application for or to revoke and seize a Firearm Owner's
4 Identification Card previously issued under this Act only if
5 the Department finds that the applicant or the person to whom
6 such card was issued is or was at the time of issuance:

7 (a) A person under 21 years of age who has been
8 convicted of a misdemeanor other than a traffic offense or
9 adjudged delinquent;

10 (b) A person under 21 years of age who does not have
11 the written consent of his parent or guardian to acquire
12 and possess firearms and firearm ammunition, or whose
13 parent or guardian has revoked such written consent, or
14 where such parent or guardian does not qualify to have a
15 Firearm Owner's Identification Card;

16 (c) A person convicted of a felony under the laws of
17 this or any other jurisdiction;

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental
20 institution within the past 5 years. An active law
21 enforcement officer employed by a unit of government who is
22 denied, revoked, or has his or her Firearm Owner's
23 Identification Card seized under this subsection (e) may
24 obtain relief as described in subsection (c-5) of Section
25 10 of this Act if the officer did not act in a manner
26 threatening to the officer, another person, or the public

1 as determined by the treating clinical psychologist or
2 physician, and the officer seeks mental health treatment;

3 (f) A person whose mental condition is of such a nature
4 that it poses a clear and present danger to the applicant,
5 any other person or persons or the community;

6 For the purposes of this Section, "mental condition"
7 means a state of mind manifested by violent, suicidal,
8 threatening or assaultive behavior.

9 (g) A person who is intellectually disabled;

10 (h) A person who intentionally makes a false statement
11 in the Firearm Owner's Identification Card application;

12 (i) An alien who is unlawfully present in the United
13 States under the laws of the United States;

14 (i-5) An alien who has been admitted to the United
15 States under a non-immigrant visa (as that term is defined
16 in Section 101(a)(26) of the Immigration and Nationality
17 Act (8 U.S.C. 1101(a)(26))), except that this subsection
18 (i-5) does not apply to any alien who has been lawfully
19 admitted to the United States under a non-immigrant visa if
20 that alien is:

21 (1) admitted to the United States for lawful hunting or
22 sporting purposes;

23 (2) an official representative of a foreign government
24 who is:

25 (A) accredited to the United States Government or
26 the Government's mission to an international

1 organization having its headquarters in the United
2 States; or

3 (B) en route to or from another country to which
4 that alien is accredited;

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so
7 designated by the Department of State;

8 (4) a foreign law enforcement officer of a friendly
9 foreign government entering the United States on
10 official business; or

11 (5) one who has received a waiver from the Attorney
12 General of the United States pursuant to 18 U.S.C.
13 922(y)(3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5
16 years of battery, assault, aggravated assault, violation
17 of an order of protection, or a substantially similar
18 offense in another jurisdiction, in which a firearm was
19 used or possessed;

20 (l) A person who has been convicted of domestic
21 battery, aggravated domestic battery, or a substantially
22 similar offense in another jurisdiction committed before,
23 on or after January 1, 2012 (the effective date of Public
24 Act 97-158). If the applicant or person who has been
25 previously issued a Firearm Owner's Identification Card
26 under this Act knowingly and intelligently waives the right

1 to have an offense described in this paragraph (l) tried by
2 a jury, and by guilty plea or otherwise, results in a
3 conviction for an offense in which a domestic relationship
4 is not a required element of the offense but in which a
5 determination of the applicability of 18 U.S.C. 922(g)(9)
6 is made under Section 112A-11.1 of the Code of Criminal
7 Procedure of 1963, an entry by the court of a judgment of
8 conviction for that offense shall be grounds for denying an
9 application for and for revoking and seizing a Firearm
10 Owner's Identification Card previously issued to the
11 person under this Act;

12 (m) (Blank);

13 (n) A person who is prohibited from acquiring or
14 possessing firearms or firearm ammunition by any Illinois
15 State statute or by federal law;

16 (o) A minor subject to a petition filed under Section
17 5-520 of the Juvenile Court Act of 1987 alleging that the
18 minor is a delinquent minor for the commission of an
19 offense that if committed by an adult would be a felony;

20 (p) An adult who had been adjudicated a delinquent
21 minor under the Juvenile Court Act of 1987 for the
22 commission of an offense that if committed by an adult
23 would be a felony;

24 (q) A person who is not a resident of the State of
25 Illinois, except as provided in subsection (a-10) of
26 Section 4; or

1 (r) A person who has been adjudicated as a mental
2 defective.

3 The Department of State Police may revoke and seize a
4 Firearm Owner's Identification Card previously issued under
5 this Act of a person who receives a second conviction for
6 violating Section 24-4.1 of the Criminal Code of 2012.

7 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
8 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
9 97-1167, eff. 6-1-13.)

10 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

11 Sec. 9. Notice of denial or revocation.

12 Every person whose application for a Firearm Owner's
13 Identification Card is denied, and every holder of such a Card
14 whose Card is revoked or seized, shall receive a written notice
15 from the Department of State Police stating specifically the
16 grounds upon which his application has been denied or upon
17 which his Identification Card has been revoked. The written
18 notice shall include the requirements of Section 9.5 of this
19 Act. A copy of the written notice shall be provided to the
20 sheriff and law enforcement agency where the person resides.

21 (Source: P.A. 97-1131, eff. 1-1-13.)

22 (430 ILCS 65/9.5 new)

23 Sec. 9.5. Revocation of Firearm Owner's Identification
24 Card.

1 (a) A person who receives a revocation notice under Section
2 9 of this Act shall, within 48 hours of receiving notice of the
3 revocation:

4 (1) surrender his or her Firearm Owner's
5 Identification Card to the local law enforcement agency
6 where the person resides. The local law enforcement agency
7 shall provide the person a receipt and transmit the Firearm
8 Owner's Identification Card to the Department of State
9 Police; and

10 (2) complete a Firearm Disposition Record on a form
11 prescribed by the Department of State Police and place his
12 or her firearm in the location or with the person reported
13 in the Firearm Disposition Record. The form shall require
14 the person to disclose:

15 (A) the make, model, and serial number of all
16 firearms owned by or under the custody and control of
17 the revoked person;

18 (B) the location where the firearms will be
19 maintained during the prohibited term; and

20 (C) if the firearms will be transferred to the
21 custody of another person, the name, address and
22 Identification number of the transferee.

23 (b) The local law enforcement agency shall provide a copy
24 of the Firearm Disposition Record to the person whose Firearm
25 Owner's Identification Card has been revoked and to the
26 Department of State Police.

1 (c) If the person whose Firearm Owner's Identification Card
2 has been revoked fails to comply with the requirements of this
3 Section, the sheriff or law enforcement agency where the person
4 resides may petition the circuit court to issue a warrant to
5 search for and seize the Firearm Owner's Identification Card
6 and firearms in the possession and under the custody or control
7 of the person whose Firearm Owner's Identification Card has
8 been revoked.

9 (d) A violation of this Section is a Class A misdemeanor.

10 (e) The observation of an Firearm Owner's Identification
11 Card in the possession of a person whose Firearm Owner's
12 Identification Card has been revoked constitutes a sufficient
13 basis for the arrest of that person for violation of this
14 Section.

15 (f) Within 60 days after the effective date of this
16 amendatory Act of the 98th General Assembly, the Department of
17 State Police shall provide written notice of the requirements
18 of this Section to persons whose Firearm Owner's Identification
19 Cards have not expired and who have failed to surrender their
20 cards to the Department.

21 (g) Persons whose Firearm Owner's Identification Cards
22 have been revoked and who receive notice under subsection (f)
23 shall comply with the requirements of this Section within 48
24 hours of receiving notice.

25 Section 10. The Criminal Code of 2012 is amended by

1 changing Section 24-3 and adding Section 24-4.1 as follows:

2 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

3 (Text of Section before amendment by P.A. 97-1167)

4 Sec. 24-3. Unlawful sale or delivery of firearms.

5 (A) A person commits the offense of unlawful sale or
6 delivery of firearms when he or she knowingly does any of the
7 following:

8 (a) Sells or gives any firearm of a size which may be
9 concealed upon the person to any person under 18 years of
10 age.

11 (b) Sells or gives any firearm to a person under 21
12 years of age who has been convicted of a misdemeanor other
13 than a traffic offense or adjudged delinquent.

14 (c) Sells or gives any firearm to any narcotic addict.

15 (d) Sells or gives any firearm to any person who has
16 been convicted of a felony under the laws of this or any
17 other jurisdiction.

18 (e) Sells or gives any firearm to any person who has
19 been a patient in a mental hospital within the past 5
20 years.

21 (f) Sells or gives any firearms to any person who is
22 intellectually disabled.

23 (g) Delivers any firearm of a size which may be
24 concealed upon the person, incidental to a sale, without
25 withholding delivery of such firearm for at least 72 hours

1 after application for its purchase has been made, or
2 delivers any rifle, shotgun or other long gun, or a stun
3 gun or taser, incidental to a sale, without withholding
4 delivery of such rifle, shotgun or other long gun, or a
5 stun gun or taser for at least 24 hours after application
6 for its purchase has been made. However, this paragraph (g)
7 does not apply to: (1) the sale of a firearm to a law
8 enforcement officer if the seller of the firearm knows that
9 the person to whom he or she is selling the firearm is a
10 law enforcement officer or the sale of a firearm to a
11 person who desires to purchase a firearm for use in
12 promoting the public interest incident to his or her
13 employment as a bank guard, armed truck guard, or other
14 similar employment; (2) a mail order sale of a firearm to a
15 nonresident of Illinois under which the firearm is mailed
16 to a point outside the boundaries of Illinois; (3) the sale
17 of a firearm to a nonresident of Illinois while at a
18 firearm showing or display recognized by the Illinois
19 Department of State Police; or (4) the sale of a firearm to
20 a dealer licensed as a federal firearms dealer under
21 Section 923 of the federal Gun Control Act of 1968 (18
22 U.S.C. 923). For purposes of this paragraph (g),
23 "application" means when the buyer and seller reach an
24 agreement to purchase a firearm.

25 (h) While holding any license as a dealer, importer,
26 manufacturer or pawnbroker under the federal Gun Control

1 Act of 1968, manufactures, sells or delivers to any
2 unlicensed person a handgun having a barrel, slide, frame
3 or receiver which is a die casting of zinc alloy or any
4 other nonhomogeneous metal which will melt or deform at a
5 temperature of less than 800 degrees Fahrenheit. For
6 purposes of this paragraph, (1) "firearm" is defined as in
7 the Firearm Owners Identification Card Act; and (2)
8 "handgun" is defined as a firearm designed to be held and
9 fired by the use of a single hand, and includes a
10 combination of parts from which such a firearm can be
11 assembled.

12 (i) Sells or gives a firearm of any size to any person
13 under 18 years of age who does not possess a valid Firearm
14 Owner's Identification Card.

15 (j) Sells or gives a firearm while engaged in the
16 business of selling firearms at wholesale or retail without
17 being licensed as a federal firearms dealer under Section
18 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
19 In this paragraph (j):

20 A person "engaged in the business" means a person who
21 devotes time, attention, and labor to engaging in the
22 activity as a regular course of trade or business with the
23 principal objective of livelihood and profit, but does not
24 include a person who makes occasional repairs of firearms
25 or who occasionally fits special barrels, stocks, or
26 trigger mechanisms to firearms.

1 "With the principal objective of livelihood and
2 profit" means that the intent underlying the sale or
3 disposition of firearms is predominantly one of obtaining
4 livelihood and pecuniary gain, as opposed to other intents,
5 such as improving or liquidating a personal firearms
6 collection; however, proof of profit shall not be required
7 as to a person who engages in the regular and repetitive
8 purchase and disposition of firearms for criminal purposes
9 or terrorism.

10 (k) Sells or transfers ownership of a firearm to a
11 person who does not display to the seller or transferor of
12 the firearm a currently valid Firearm Owner's
13 Identification Card that has previously been issued in the
14 transferee's name by the Department of State Police under
15 the provisions of the Firearm Owners Identification Card
16 Act. This paragraph (k) does not apply to the transfer of a
17 firearm to a person who is exempt from the requirement of
18 possessing a Firearm Owner's Identification Card under
19 Section 2 of the Firearm Owners Identification Card Act.
20 For the purposes of this Section, a currently valid Firearm
21 Owner's Identification Card means (i) a Firearm Owner's
22 Identification Card that has not expired or (ii) ~~if the~~
23 ~~transferor is licensed as a federal firearms dealer under~~
24 ~~Section 923 of the federal Gun Control Act of 1968 (18~~
25 ~~U.S.C. 923),~~ an approval number issued in accordance with
26 subsection (a-10) of Section 3 or Section 3.1 of the

1 Firearm Owners Identification Card Act shall be proof that
2 the Firearm Owner's Identification Card was valid.

3 (1) In addition to the other requirements of this
4 paragraph (k), all persons who are not federally
5 licensed firearms dealers must also have complied with
6 subsection (a-10) of Section 3 of the Firearms Owners
7 Identification Card Act by determining the validity of
8 a purchaser's Firearms Owner's Identification Card.

9 (2) All sellers or transferors who have complied
10 with the requirements of subparagraph (1) of this
11 paragraph (k) shall not be liable for damages in any
12 civil action arising from the use or misuse by the
13 transferee of the firearm transferred, except for
14 willful or wanton misconduct on the part of the seller
15 or transferor.

16 (1) Not being entitled to the possession of a firearm,
17 delivers the firearm, knowing it to have been stolen or
18 converted. It may be inferred that a person who possesses a
19 firearm with knowledge that its serial number has been
20 removed or altered has knowledge that the firearm is stolen
21 or converted.

22 (B) Paragraph (h) of subsection (A) does not include
23 firearms sold within 6 months after enactment of Public Act
24 78-355 (approved August 21, 1973, effective October 1, 1973),
25 nor is any firearm legally owned or possessed by any citizen or
26 purchased by any citizen within 6 months after the enactment of

1 Public Act 78-355 subject to confiscation or seizure under the
2 provisions of that Public Act. Nothing in Public Act 78-355
3 shall be construed to prohibit the gift or trade of any firearm
4 if that firearm was legally held or acquired within 6 months
5 after the enactment of that Public Act.

6 (C) Sentence.

7 (1) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (c), (e), (f), (g),
9 or (h) of subsection (A) commits a Class 4 felony.

10 (2) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (b) or (i) of
12 subsection (A) commits a Class 3 felony.

13 (3) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (a) of subsection (A)
15 commits a Class 2 felony.

16 (4) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (a), (b), or (i) of
18 subsection (A) in any school, on the real property
19 comprising a school, within 1,000 feet of the real property
20 comprising a school, at a school related activity, or on or
21 within 1,000 feet of any conveyance owned, leased, or
22 contracted by a school or school district to transport
23 students to or from school or a school related activity,
24 regardless of the time of day or time of year at which the
25 offense was committed, commits a Class 1 felony. Any person
26 convicted of a second or subsequent violation of unlawful

1 sale or delivery of firearms in violation of paragraph (a),
2 (b), or (i) of subsection (A) in any school, on the real
3 property comprising a school, within 1,000 feet of the real
4 property comprising a school, at a school related activity,
5 or on or within 1,000 feet of any conveyance owned, leased,
6 or contracted by a school or school district to transport
7 students to or from school or a school related activity,
8 regardless of the time of day or time of year at which the
9 offense was committed, commits a Class 1 felony for which
10 the sentence shall be a term of imprisonment of no less
11 than 5 years and no more than 15 years.

12 (5) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (a) or (i) of
14 subsection (A) in residential property owned, operated, or
15 managed by a public housing agency or leased by a public
16 housing agency as part of a scattered site or mixed-income
17 development, in a public park, in a courthouse, on
18 residential property owned, operated, or managed by a
19 public housing agency or leased by a public housing agency
20 as part of a scattered site or mixed-income development, on
21 the real property comprising any public park, on the real
22 property comprising any courthouse, or on any public way
23 within 1,000 feet of the real property comprising any
24 public park, courthouse, or residential property owned,
25 operated, or managed by a public housing agency or leased
26 by a public housing agency as part of a scattered site or

1 mixed-income development commits a Class 2 felony.

2 (6) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (j) of subsection (A)
4 commits a Class A misdemeanor. A second or subsequent
5 violation is a Class 4 felony.

6 (7) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (k) of subsection (A)
8 commits a Class 4 felony, except that a violation of
9 subparagraph (1) of paragraph (k) of subsection (A) shall
10 not be punishable as a crime or petty offense. A third or
11 subsequent conviction for a violation of paragraph (k) of
12 subsection (A) is a Class 1 felony.

13 (8) A person 18 years of age or older convicted of
14 unlawful sale or delivery of firearms in violation of
15 paragraph (a) or (i) of subsection (A), when the firearm
16 that was sold or given to another person under 18 years of
17 age was used in the commission of or attempt to commit a
18 forcible felony, shall be fined or imprisoned, or both, not
19 to exceed the maximum provided for the most serious
20 forcible felony so committed or attempted by the person
21 under 18 years of age who was sold or given the firearm.

22 (9) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (d) of subsection (A)
24 commits a Class 3 felony.

25 (10) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (l) of subsection (A)

1 commits a Class 2 felony if the delivery is of one firearm.
2 Any person convicted of unlawful sale or delivery of
3 firearms in violation of paragraph (1) of subsection (A)
4 commits a Class 1 felony if the delivery is of not less
5 than 2 and not more than 5 firearms at the same time or
6 within a one year period. Any person convicted of unlawful
7 sale or delivery of firearms in violation of paragraph (1)
8 of subsection (A) commits a Class X felony for which he or
9 she shall be sentenced to a term of imprisonment of not
10 less than 6 years and not more than 30 years if the
11 delivery is of not less than 6 and not more than 10
12 firearms at the same time or within a 2 year period. Any
13 person convicted of unlawful sale or delivery of firearms
14 in violation of paragraph (1) of subsection (A) commits a
15 Class X felony for which he or she shall be sentenced to a
16 term of imprisonment of not less than 6 years and not more
17 than 40 years if the delivery is of not less than 11 and
18 not more than 20 firearms at the same time or within a 3
19 year period. Any person convicted of unlawful sale or
20 delivery of firearms in violation of paragraph (1) of
21 subsection (A) commits a Class X felony for which he or she
22 shall be sentenced to a term of imprisonment of not less
23 than 6 years and not more than 50 years if the delivery is
24 of not less than 21 and not more than 30 firearms at the
25 same time or within a 4 year period. Any person convicted
26 of unlawful sale or delivery of firearms in violation of

1 paragraph (l) of subsection (A) commits a Class X felony
2 for which he or she shall be sentenced to a term of
3 imprisonment of not less than 6 years and not more than 60
4 years if the delivery is of 31 or more firearms at the same
5 time or within a 5 year period.

6 (D) For purposes of this Section:

7 "School" means a public or private elementary or secondary
8 school, community college, college, or university.

9 "School related activity" means any sporting, social,
10 academic, or other activity for which students' attendance or
11 participation is sponsored, organized, or funded in whole or in
12 part by a school or school district.

13 (E) A prosecution for a violation of paragraph (k) of
14 subsection (A) of this Section may be commenced within 6 years
15 after the commission of the offense. A prosecution for a
16 violation of this Section other than paragraph (g) of
17 subsection (A) of this Section may be commenced within 5 years
18 after the commission of the offense defined in the particular
19 paragraph.

20 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
21 eff. 1-1-12; 97-813, eff. 7-13-12.)

22 (Text of Section after amendment by P.A. 97-1167)

23 Sec. 24-3. Unlawful sale or delivery of firearms.

24 (A) A person commits the offense of unlawful sale or
25 delivery of firearms when he or she knowingly does any of the

1 following:

2 (a) Sells or gives any firearm of a size which may be
3 concealed upon the person to any person under 18 years of
4 age.

5 (b) Sells or gives any firearm to a person under 21
6 years of age who has been convicted of a misdemeanor other
7 than a traffic offense or adjudged delinquent.

8 (c) Sells or gives any firearm to any narcotic addict.

9 (d) Sells or gives any firearm to any person who has
10 been convicted of a felony under the laws of this or any
11 other jurisdiction.

12 (e) Sells or gives any firearm to any person who has
13 been a patient in a mental institution within the past 5
14 years. In this subsection (e):

15 "Mental institution" means any hospital,
16 institution, clinic, evaluation facility, mental
17 health center, or part thereof, which is used primarily
18 for the care or treatment of persons with mental
19 illness.

20 "Patient in a mental institution" means the person
21 was admitted, either voluntarily or involuntarily, to
22 a mental institution for mental health treatment,
23 unless the treatment was voluntary and solely for an
24 alcohol abuse disorder and no other secondary
25 substance abuse disorder or mental illness.

26 (f) Sells or gives any firearms to any person who is

1 intellectually disabled.

2 (g) Delivers any firearm of a size which may be
3 concealed upon the person, incidental to a sale, without
4 withholding delivery of such firearm for at least 72 hours
5 after application for its purchase has been made, or
6 delivers any rifle, shotgun or other long gun, or a stun
7 gun or taser, incidental to a sale, without withholding
8 delivery of such rifle, shotgun or other long gun, or a
9 stun gun or taser for at least 24 hours after application
10 for its purchase has been made. However, this paragraph (g)
11 does not apply to: (1) the sale of a firearm to a law
12 enforcement officer if the seller of the firearm knows that
13 the person to whom he or she is selling the firearm is a
14 law enforcement officer or the sale of a firearm to a
15 person who desires to purchase a firearm for use in
16 promoting the public interest incident to his or her
17 employment as a bank guard, armed truck guard, or other
18 similar employment; (2) a mail order sale of a firearm to a
19 nonresident of Illinois under which the firearm is mailed
20 to a point outside the boundaries of Illinois; (3) the sale
21 of a firearm to a nonresident of Illinois while at a
22 firearm showing or display recognized by the Illinois
23 Department of State Police; or (4) the sale of a firearm to
24 a dealer licensed as a federal firearms dealer under
25 Section 923 of the federal Gun Control Act of 1968 (18
26 U.S.C. 923). For purposes of this paragraph (g),

1 "application" means when the buyer and seller reach an
2 agreement to purchase a firearm.

3 (h) While holding any license as a dealer, importer,
4 manufacturer or pawnbroker under the federal Gun Control
5 Act of 1968, manufactures, sells or delivers to any
6 unlicensed person a handgun having a barrel, slide, frame
7 or receiver which is a die casting of zinc alloy or any
8 other nonhomogeneous metal which will melt or deform at a
9 temperature of less than 800 degrees Fahrenheit. For
10 purposes of this paragraph, (1) "firearm" is defined as in
11 the Firearm Owners Identification Card Act; and (2)
12 "handgun" is defined as a firearm designed to be held and
13 fired by the use of a single hand, and includes a
14 combination of parts from which such a firearm can be
15 assembled.

16 (i) Sells or gives a firearm of any size to any person
17 under 18 years of age who does not possess a valid Firearm
18 Owner's Identification Card.

19 (j) Sells or gives a firearm while engaged in the
20 business of selling firearms at wholesale or retail without
21 being licensed as a federal firearms dealer under Section
22 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
23 In this paragraph (j):

24 A person "engaged in the business" means a person who
25 devotes time, attention, and labor to engaging in the
26 activity as a regular course of trade or business with the

1 principal objective of livelihood and profit, but does not
2 include a person who makes occasional repairs of firearms
3 or who occasionally fits special barrels, stocks, or
4 trigger mechanisms to firearms.

5 "With the principal objective of livelihood and
6 profit" means that the intent underlying the sale or
7 disposition of firearms is predominantly one of obtaining
8 livelihood and pecuniary gain, as opposed to other intents,
9 such as improving or liquidating a personal firearms
10 collection; however, proof of profit shall not be required
11 as to a person who engages in the regular and repetitive
12 purchase and disposition of firearms for criminal purposes
13 or terrorism.

14 (k) Sells or transfers ownership of a firearm to a
15 person who does not display to the seller or transferor of
16 the firearm a currently valid Firearm Owner's
17 Identification Card that has previously been issued in the
18 transferee's name by the Department of State Police under
19 the provisions of the Firearm Owners Identification Card
20 Act. This paragraph (k) does not apply to the transfer of a
21 firearm to a person who is exempt from the requirement of
22 possessing a Firearm Owner's Identification Card under
23 Section 2 of the Firearm Owners Identification Card Act.
24 For the purposes of this Section, a currently valid Firearm
25 Owner's Identification Card means (i) a Firearm Owner's
26 Identification Card that has not expired or (ii) ~~if the~~

1 ~~transferor is licensed as a federal firearms dealer under~~
2 ~~Section 923 of the federal Gun Control Act of 1968 (18~~
3 ~~U.S.C. 923),~~ an approval number issued in accordance with
4 subsection (a-10) of subsection 3 or Section 3.1 of the
5 Firearm Owners Identification Card Act shall be proof that
6 the Firearm Owner's Identification Card was valid.

7 (1) In addition to the other requirements of this
8 paragraph (k), all persons who are not federally
9 licensed firearms dealers must also have complied with
10 subsection (a-10) of Section 3 of the Firearms Owners
11 Identification Card Act by determining the validity of
12 a purchaser's Firearms Owner's Identification Card.

13 (2) All sellers or transferors who have complied
14 with the requirements of subparagraph (1) of this
15 paragraph (k) shall not be liable for damages in any
16 civil action arising from the use or misuse by the
17 transferee of the firearm transferred, except for
18 willful or wanton misconduct on the part of the seller
19 or transferor.

20 (1) Not being entitled to the possession of a firearm,
21 delivers the firearm, knowing it to have been stolen or
22 converted. It may be inferred that a person who possesses a
23 firearm with knowledge that its serial number has been
24 removed or altered has knowledge that the firearm is stolen
25 or converted.

26 (B) Paragraph (h) of subsection (A) does not include

1 firearms sold within 6 months after enactment of Public Act
2 78-355 (approved August 21, 1973, effective October 1, 1973),
3 nor is any firearm legally owned or possessed by any citizen or
4 purchased by any citizen within 6 months after the enactment of
5 Public Act 78-355 subject to confiscation or seizure under the
6 provisions of that Public Act. Nothing in Public Act 78-355
7 shall be construed to prohibit the gift or trade of any firearm
8 if that firearm was legally held or acquired within 6 months
9 after the enactment of that Public Act.

10 (C) Sentence.

11 (1) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (c), (e), (f), (g),
13 or (h) of subsection (A) commits a Class 4 felony.

14 (2) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (b) or (i) of
16 subsection (A) commits a Class 3 felony.

17 (3) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (a) of subsection (A)
19 commits a Class 2 felony.

20 (4) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (a), (b), or (i) of
22 subsection (A) in any school, on the real property
23 comprising a school, within 1,000 feet of the real property
24 comprising a school, at a school related activity, or on or
25 within 1,000 feet of any conveyance owned, leased, or
26 contracted by a school or school district to transport

1 students to or from school or a school related activity,
2 regardless of the time of day or time of year at which the
3 offense was committed, commits a Class 1 felony. Any person
4 convicted of a second or subsequent violation of unlawful
5 sale or delivery of firearms in violation of paragraph (a),
6 (b), or (i) of subsection (A) in any school, on the real
7 property comprising a school, within 1,000 feet of the real
8 property comprising a school, at a school related activity,
9 or on or within 1,000 feet of any conveyance owned, leased,
10 or contracted by a school or school district to transport
11 students to or from school or a school related activity,
12 regardless of the time of day or time of year at which the
13 offense was committed, commits a Class 1 felony for which
14 the sentence shall be a term of imprisonment of no less
15 than 5 years and no more than 15 years.

16 (5) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (a) or (i) of
18 subsection (A) in residential property owned, operated, or
19 managed by a public housing agency or leased by a public
20 housing agency as part of a scattered site or mixed-income
21 development, in a public park, in a courthouse, on
22 residential property owned, operated, or managed by a
23 public housing agency or leased by a public housing agency
24 as part of a scattered site or mixed-income development, on
25 the real property comprising any public park, on the real
26 property comprising any courthouse, or on any public way

1 within 1,000 feet of the real property comprising any
2 public park, courthouse, or residential property owned,
3 operated, or managed by a public housing agency or leased
4 by a public housing agency as part of a scattered site or
5 mixed-income development commits a Class 2 felony.

6 (6) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (j) of subsection (A)
8 commits a Class A misdemeanor. A second or subsequent
9 violation is a Class 4 felony.

10 (7) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (k) of subsection (A)
12 commits a Class 4 felony, except that a violation of
13 subparagraph (1) of paragraph (k) of subsection (A) shall
14 not be punishable as a crime or petty offense. A third or
15 subsequent conviction for a violation of paragraph (k) of
16 subsection (A) is a Class 1 felony.

17 (8) A person 18 years of age or older convicted of
18 unlawful sale or delivery of firearms in violation of
19 paragraph (a) or (i) of subsection (A), when the firearm
20 that was sold or given to another person under 18 years of
21 age was used in the commission of or attempt to commit a
22 forcible felony, shall be fined or imprisoned, or both, not
23 to exceed the maximum provided for the most serious
24 forcible felony so committed or attempted by the person
25 under 18 years of age who was sold or given the firearm.

26 (9) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (d) of subsection (A)
2 commits a Class 3 felony.

3 (10) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (l) of subsection (A)
5 commits a Class 2 felony if the delivery is of one firearm.
6 Any person convicted of unlawful sale or delivery of
7 firearms in violation of paragraph (l) of subsection (A)
8 commits a Class 1 felony if the delivery is of not less
9 than 2 and not more than 5 firearms at the same time or
10 within a one year period. Any person convicted of unlawful
11 sale or delivery of firearms in violation of paragraph (l)
12 of subsection (A) commits a Class X felony for which he or
13 she shall be sentenced to a term of imprisonment of not
14 less than 6 years and not more than 30 years if the
15 delivery is of not less than 6 and not more than 10
16 firearms at the same time or within a 2 year period. Any
17 person convicted of unlawful sale or delivery of firearms
18 in violation of paragraph (l) of subsection (A) commits a
19 Class X felony for which he or she shall be sentenced to a
20 term of imprisonment of not less than 6 years and not more
21 than 40 years if the delivery is of not less than 11 and
22 not more than 20 firearms at the same time or within a 3
23 year period. Any person convicted of unlawful sale or
24 delivery of firearms in violation of paragraph (l) of
25 subsection (A) commits a Class X felony for which he or she
26 shall be sentenced to a term of imprisonment of not less

1 than 6 years and not more than 50 years if the delivery is
2 of not less than 21 and not more than 30 firearms at the
3 same time or within a 4 year period. Any person convicted
4 of unlawful sale or delivery of firearms in violation of
5 paragraph (1) of subsection (A) commits a Class X felony
6 for which he or she shall be sentenced to a term of
7 imprisonment of not less than 6 years and not more than 60
8 years if the delivery is of 31 or more firearms at the same
9 time or within a 5 year period.

10 (D) For purposes of this Section:

11 "School" means a public or private elementary or secondary
12 school, community college, college, or university.

13 "School related activity" means any sporting, social,
14 academic, or other activity for which students' attendance or
15 participation is sponsored, organized, or funded in whole or in
16 part by a school or school district.

17 (E) A prosecution for a violation of paragraph (k) of
18 subsection (A) of this Section may be commenced within 6 years
19 after the commission of the offense. A prosecution for a
20 violation of this Section other than paragraph (g) of
21 subsection (A) of this Section may be commenced within 5 years
22 after the commission of the offense defined in the particular
23 paragraph.

24 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
25 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1167, eff. 6-1-13.)

1 (720 ILCS 5/24-4.1 new)

2 Sec. 24-4.1. Report of lost or stolen firearms.

3 (a) If a person who possesses a valid Firearm Owner's
4 Identification Card and who possesses or acquires a firearm
5 thereafter loses the firearm, or if the firearm is stolen from
6 the person, the person must report the loss or theft to the
7 local law enforcement agency within 72 hours after obtaining
8 knowledge of the loss or theft.

9 (b) A law enforcement agency having jurisdiction shall take
10 a written report and shall, as soon as practical, enter the
11 firearm's serial number as stolen into the Law Enforcement
12 Agencies Data System (LEADS).

13 (c) A person shall not be in violation of this Section if:

14 (1) the failure to report is due to an act of God, act
15 of war, or inability of a law enforcement agency to receive
16 the report;

17 (2) the person is hospitalized, in a coma, or is
18 otherwise seriously physically or mentally impaired as to
19 prevent the person from reporting; or

20 (3) the person's designee makes a report if the person
21 is unable to make the report.

22 (d) Sentence. A person who violates this Section is guilty
23 of a petty offense for a first violation. A second or
24 subsequent violation of this Section is a Class A misdemeanor.

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".